

## REMARKS

### I. Preliminary Remarks

A Request for Continued Examination was filed on February 1, 2007 and has been entered. Claims 19 and 20 are under consideration.

After entry of this paper, Claim 20 is currently amended. Claim 19 is previously presented. Claims 1-18 are cancelled. Support for the amendment to the claim is found throughout the specification, and in particular at paragraph [0036]. The amendment does not include new matter. Reconsideration and withdrawal of the rejections are solicited for the reasons set out below.

In this response, Applicant addresses each of the rejections raised by the Examiner. Applicant therefore respectfully submits that the present application is in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

This Response is timely filed, with a one-month extension of time. The USPTO is given authorization to charge Deposit Account No. 16-1445 for any fees necessary with the submission of this Response.

### II. Patentability Arguments

#### A. The Written Description Rejection of Claims 19 and 20 under 35 U.S.C. §112, First Paragraph May Be Properly Withdrawn.

To satisfy the requirement under 35 U.S.C. §112, first paragraph, the application as filed must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *Vas-Cath, Inc. v. Mahurkar*, 19 USPQ2d 1111 (Fed. Cir. 1991); *see also* M.P.E.P. §2163 (I). The initial burden of establishing a *prima facie* case of lack of written descriptive support is on the Office. M.P.E.P. §2163 (II). There is a strong presumption that an adequate written description of the claimed invention (i.e., the claims) is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *see also* M.P.E.P. §2163 (I)(A).

Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing "subject matter which was not described in the specification in such a way as to enable one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Applicants respectfully traverse this rejection.

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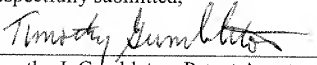
The Examiner states that "It is noted that an immunogen can also function as an adjuvant and that the terms are not mutually exclusive." Applicants have amended claim 20 as seen above in the listing of claims. Because claim 19 depends from claim 20, it encompasses all of the limitations of claim 20. There is written description support for claims 19-20 at paragraph [0036] of the specification. The rejection of claims 19 and 20 is thus rendered moot.

In view of the foregoing, Applicants respectfully submit that one skilled in the art would clearly understand that the inventors were in possession of the now claimed invention. The rejection of claims 19-20 under 35 U.S.C. §112, first paragraph, is thus overcome. Withdrawal of this rejection is respectfully requested.

### **III. Conclusion.**

In view of the amendments and remarks made herein, Applicants respectfully submit that Claims 19-20 are in condition for allowance and request expedited notification of same.

Respectfully submitted,

  
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